

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL A. BALLESTRASSE,

Plaintiff,

v.

WILLIAM BARR,

Defendant.

Case No. [17-cv-01875-SK](#)

**ORDER TO SHOW CAUSE FOR
FAILURE TO PROSECUTE**

Regarding Docket No. 159

On December 4, 2019, the Court denied a motion filed by Wendy E. Musell and Stewart and Musell, LLP to vacate the hearing on their pending motion to withdraw as counsel for Plaintiff Paul Ballestrasse. The Court specifically ordered that both Plaintiff and his counsel personally appear at the hearing scheduled for December 30, 2019. (Dkt. No. 157.)

On December 30, 2019, Plaintiff failed to appear at the hearing. The Court granted the motion to withdraw on the condition that Stewart and Musell continue to accept service of papers and forward them to Plaintiff until he files a substitution of counsel. (Dkt No. 159.) The Court scheduled a further case management conference on January 13, 2020. The Court ordered Stewart and Musell to serve a copy of the order granting the motion to withdraw and setting the further case management conference by January 2, 2020.

Plaintiff failed to appear at the case management conference held on January 13, 2020. Therefore, the HEREBY ORDERS Plaintiff TO SHOW CAUSE why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff shall file a written response to this Order to Show Cause ("OSC") by no later than January 22, 2020. The Court admonishes Plaintiff that he has an obligation to comply with the Court's orders and deadlines. If he fails to file a timely response, the Court will consider dismissing this case based on his failure to prosecute.

1 The Court FURTHER ORDERS that pretrial conference is CONTINUED to February 24,
2 2020 at 2:30 p.m. The Court notes that the deadlines for meeting and conferring on and serving
3 motions *in limine* as set forth in the Case Management and Pretrial Order (Dkt. No. 34) have
4 already passed. Although the Court is continuing the pretrial conference, this Order does not reset
5 the clock for the deadlines on motions *in limine*. If Plaintiff responds to this OSC and seeks to
6 move to exclude evidence, he must promptly seek leave to extend the deadlines regarding motions
7 *in limine* and demonstrate good cause for his delay.

8 The deadline for the parties to meet and confer regarding their preparation of the joint
9 pretrial conference statement and preparation and exchange of pretrial materials to be filed
10 (including jury instructions, verdict forms and voir dire) as set forth in the Case Management and
11 Pretrial Order is CONTINUED to January 27, 2020.

12 The Court advises Plaintiff that the district court has produced a guide for *pro se* litigants
13 called Representing Yourself in Federal Court: A Handbook for Pro Se Litigants, which provides
14 instructions on how to proceed at every stage of your case, including discovery, motions, and trial.
15 It is available electronically online (<http://cand.uscourts.gov/prosehandbook>) or in hard copy free
16 of charge from the Clerk's Office. The Court again advises Plaintiff that he also may wish to seek
17 assistance from the Legal Help Center. Plaintiff may call the Legal Help Center at (415) 782-8982
18 for a free appointment with an attorney who may be able to provide basic legal help, but not legal
19 representation.

20 Stewart & Musell shall serve a copy of this Order on Plaintiff by no later than January 14,
21 2020.

22 **IT IS SO ORDERED.**

23 Dated: January 13, 2020



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25 SALLIE KIM
United States Magistrate Judge
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